IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSE TRUJILLO, individually and on behalf of all others similarly situated, Plaintiff,	)	No. 07 CV 04946 Judge Kennelly Mag. Judge Ashman
V	)	
APPLE COMPUTER, INC., a California Corporation, and AT&T MOBILITY LLC, a Georgia Corporation, Defendants.	)	

MOTION FOR CLASS CERTIFICATION

NOW COMES the Plaintiff, JOSE TRUJILLO, on behalf of himself and all others similarly situated, by and through his attorneys, LARRY D. DRURY, LTD., and respectfully moves pursuant to Rule 23 of the Federal Rules of Civil Procedure that this Court enter an order certifying and determining that this action may properly be maintained as a class action.

In support of this motion, the Plaintiff states that the Class on behalf of which this action is sought to be maintained may be defined as follows:

Definition of the Plaintiff Class

> Any and all consumers from 2007 through the date of judgment, throughout the United States, who purchased an iPhone.

1. Common questions of law or fact include, in part:

A. Whether Defendant committed a breach of the Illinois Consumer Fraud and Deceptive Business Practices Act and all like and similar statutes throughout the United States;

B. Whether Defendant purposefully omitted, misrepresented and/or

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fraudulently concealed the durability of the iPhone battery, the terms and conditions of the battery replacement program and "loaner" program, and the cost of same, prior to the purchase by Plaintiff and the class;

C. Whether the Defendant was unjustly enriched, to the detriment of Plaintiff and the class;

D. Whether Defendant breached its contracts to Plaintiff and breached its warranty to Plaintiff and the class by misrepresenting and/or fraudulently concealing the durability of the iPhone battery, the terms and conditions of its battery replacement program and "loaner" program and the cost of same, prior to the purchase of the iPhone by the Plaintiff and the class.

2. The claims and acts of the representative parties are typical of the claims of the class.

3. Plaintiff further states that the questions of law or fact with respect to the Defendant misrepresenting and/or fraudulently concealing the durability of the iPhone battery, the terms and conditions of its battery replacement program and "loaner" program and the cost of same, prior to the purchase of the iPhone by the Plaintiff and the class, are common to the members of the Plaintiff class and predominate over any questions of individual members.

4. Class adjudication is superior to all other available methods for adjudication of this controversy, i.e., there are hundreds of thousands of putative class members who purchased an iPhone, and separate suits to litigate the legality of Defendant's acts and conduct would not be in the best interest of judicial

economy and efficiency.

WHEREFORE, Plaintiff, JOSE TRUJILLO, individually and on behalf of all others similarly situated, hereby respectfully requests that this Court enter an order certifying and determining that this action may properly be maintained as a class action, appointing Plaintiff class representative, and appointing Larry D. Drury of Larry D. Drury, Ltd., as class counsel.

Respectfully submitted,

JOSE TRUJILLO, on behalf of himself and all others similarly situated,

By: ___/s/ James R. Rowe___

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